

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5225 OF 2026

Between:

Mohammed Meraj, S/o Mohammed Quasim, Aged about 36 years, Occ. Business, R/o H.No.16-11-16/C/G/25,26, Teegalguda, Afzal Nagar, Old Malakpet, Hyderabad - 500036

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Sri I. Tarun Kumar S/o know the petitioner Aged above major Occ S.I. of Police, P.S. Amberpet, Hyderabad Cell. No. 8500340414

...RESPONDENT/COMPLAINANT

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the FIR No. 157/2026 dated 26.03.2026 registered by P.S. Amberpet, Hyderabad for offences under Sections 274, 275 and 318(4) BNS.

I.A. NO: 1 OF 2026

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceeding in FIR No. 157/2026 dated 26.03.2026 registered by P.S. Amberpet, Hyderabad for offences under Sections 274, 275 and 318(4) BNS.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammed Adam, Advocate for the Petitioner, Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5225 of 2026

Date: 09.04.2026

Between:

Mohammed Meraj

.. Petitioner

AND

The State of Telangana and another

.. Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.157 of 2026 of Amberpet Police Station, Hyderabad, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 274, 275 and 38(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Mohammed Adam, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondents.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and he has been falsely implicated in the present crime. He further submitted that the petitioner has not adulterated the osmania biscuits. Even according to the allegations made in the complaint, the ingredients of Sections 274, 275 and 318(4) of the BNS are not attracted against the petitioner and they are punishable with imprisonment for a term of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), as well as the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar v. State of Bihar*¹, is proceeding with the matter, which is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations against the petitioner to attract the aforesaid offences. However the offences levelled against the petitioner are punishable with imprisonment of less than seven years. When the Investigating Officer tried to serve notice under Section 35(3) of the BNSS, the petitioner did not come forward to the Police Station to receive the said notice and

¹ (2014) 8 SCC 273

did not cooperate with the Investigating Officer. Hence, the petitioner is not entitled for any relief as sought in the criminal petition.

6. By way of reply, learned counsel for the petitioner submitted that the petitioners will appear before the Investigating Officer on or before 18.04.2026, cooperate with the investigation, and submit his reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure prescribed under the provisions of the BNSS.

8. Taking into consideration the above said submissions, the petitioner/accused is directed to appear before the Investigating Officer, on or before 18.04.2026, and on such appearance, the

Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* supra. The petitioner is entitled to submit reply/explanation along with the documents, which are available with him to the Investigating Officer and shall cooperate with the investigation. The Investigating Officer is entitled to strictly follow the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar* (supra).

9. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Judicial Magistrate at Nampally, Hyderabad
2. The Station House Officer, Amberpet Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Mohammed Adam, Advocate [OPUC]
5. Two CD Copies

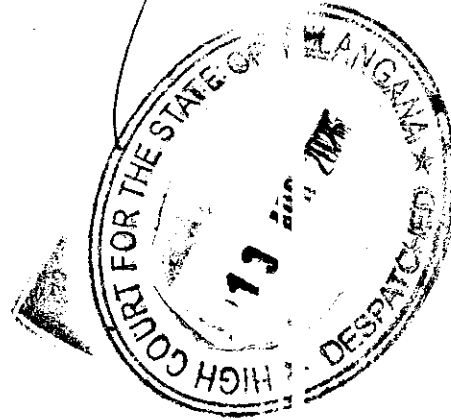
VH/PSL

HIGH COURT

DATED: 09/04/2026

ORDER

CRLP.No.5225 of 2026



**DISPOSING OF THE
CRIMINAL PETITION**

8MT
13/4/26